



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

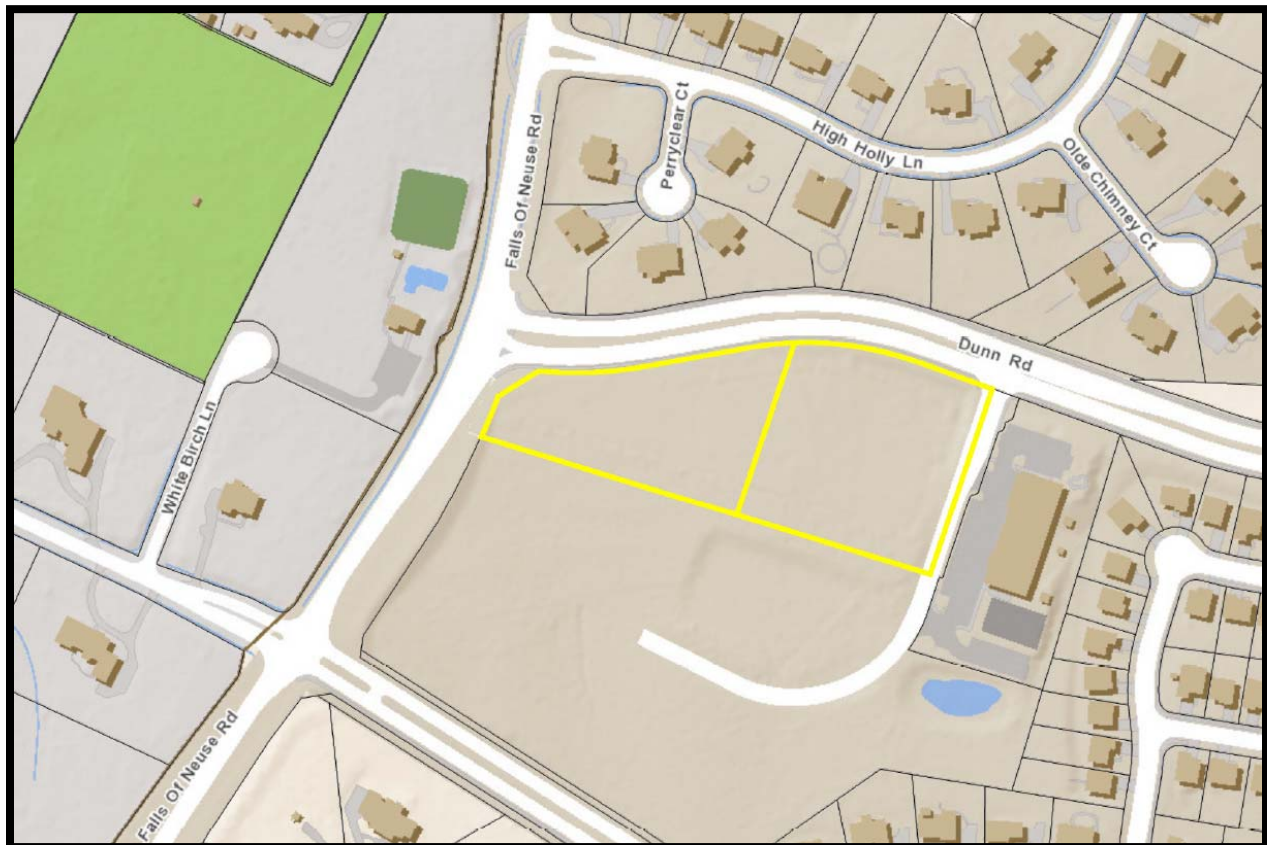
Case File: A-126-17

Property Address: 1500 and 1540 Dunn Road

Property Owner: Dunn Road Associates, LLC

Project Contact: Michael Birch

Nature of Case: A request for complete relief from the 40% forestation requirements set forth in Section 9.1.9. of the Unified Development Ordinance for both an 1.8 acre property and a 2.31 acre property, both zoned Neighborhood Mixed Use-3-Conditional Use and Urban Watershed Protection Overlay District and located at 1500 and 1540 Dunn Road respectively..



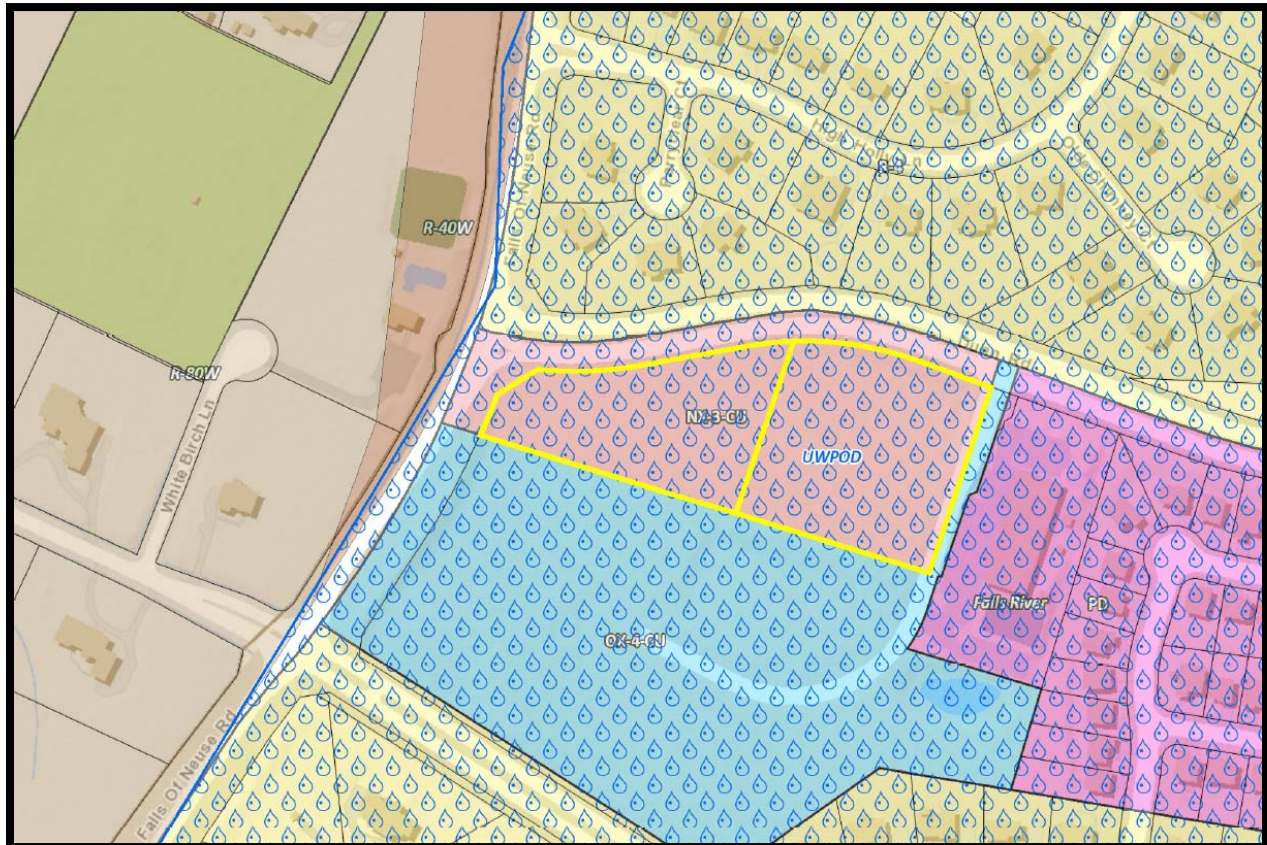
1500 and 1540 Dunn Road

To BOA: 11-13-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Neighborhood Mixed-Use-3 and Urban Watershed Protection Overlay District



1500 and 1540 Dunn Road

VARIANCE STANDARDS: In accordance with UDO **§10.2.10 Variance**, before a variance request is granted, the Board of Adjustment shall show all of the following:

To Legalize the Existing Structure:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from

personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**
- 4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.**

Sec. 9.1.9 Watershed Protection Overlay Districts

A. Except as otherwise provided below, every lot located within a -UWPOD, -FWPOD or -SWPOD must provide and maintain an area set aside for trees equal to at least 40% of the lot area. Within this area, trees must either be preserved or planted in accordance with the following:

1. Tree areas may be 1 contiguous area or scattered areas throughout the lot, but no required tree area may be less than 1/5 of the total gross land area required to be set aside for trees;
2. All areas required to be set aside for trees shall be maintained as wooded areas;
3. Wooded areas may consist of either areas where active tree preservation is observed or tree planting areas;
4. Each active tree preservation area must contain a minimum of 2 inches of tree caliper per every 100 square feet and within such areas, active tree preservation shall be followed;
5. Areas that are set aside for trees that do not meet the standards for active tree protection areas must be planted with shade trees; and
6. The minimum size and planting rate of new tree plantings used to fulfill this requirement shall be either 1 bare-root seedling at least 14 inches tall planted per 100 square feet (10 feet by 10 feet centers) or one 2-inch caliper tree planted per 200 square feet.

B. After wooded areas have been determined and prior to or concurrent to any subdividing of the property or issuance of building permit, the landowner shall record with the local County Register of Deeds a plat with metes and bounds descriptions of all wooded areas.

C. For lots located within areas designated "New Urban" by the Swift Creek Land Management Plan, the regulations of Sec. 9.1.9.A. above apply with the exception that only 25% of each lot must contain an area set aside for trees.

D. For lots located within a conservation development, areas set aside for trees may in lieu of being situated on the individual dwelling lots may instead be located within the required open space, provided that the overall acreage set aside for trees is not diminished.

E. The requirements of this section do not apply to lots devoted exclusively to stormwater control measures or to those lots located in those areas of the Comprehensive Plan designated for impervious surfaces in excess of 30%.

Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (If more space is needed, submit addendum on separate sheet): See attached Exhibit A.	Transaction Number A-126-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 1500 & 1540 Dunn Road	Date 10/13/17	
Property PIN 1729-22-3012 & 1729-21-6967	Current Zoning NX-3-CU-UWPOD	
Nearest Intersection Dunn Road and Falls of Neuse Road	Property size (in acres) 1.83 ac and 2.31 ac	
Property Owner Dunn Road Associates, LLC	Phone	Fax
Owner's Mailing Address 5003 Falls of Neuse Road, Raleigh, NC 27609	Email bmullins@aandmcorp.com	
Project Contact Person Michael Birch, Attorney	Phone 919.645.4317	Fax
Contact Person's Mailing Address 2235 Gateway Access Pl., Ste. 201, Raleigh, NC 27607	Email mbirch@morrisrussell.com	
Property Owner Signature R.W. Mullin, J, Manager	Email	
Notary Sworn and subscribed before me this 11 th day of October, 2017	Notary Signature and Seal Krista Pimentel, Wake County, NC exp. Jan. 10, 2021 	

Exhibit A

1. Property owner requests a complete variance to the 40% forestation standard set forth in UDO section 9.1.9. for two properties located at 1500 Dunn Road and 1540 Dunn Road in the Urban Watershed Protection Overlay District.

1729216967
DUNN ROAD ASSOCIATES
266 W MILLBROOK RD STE A
RALEIGH NC 27609-4685

1729213685
THE ASPENS AT BEDFORD FALLS, LP
505 PECAN ST STE 101
FORT WORTH TX 76102-4072

1729219812
DUNN INVESTMENTS LLC
6065 TRYON RD STE A
CARY NC 27518-9316

1729222300
KEENAN, THOMAS J FIGURA, DANA A
1505 PERRYCLEAR CT
RALEIGH NC 27614-7782

1729222458
ANI, ROMANUS
1509 PERRYCLEAR CT
RALEIGH NC 27614-7782

1729223012
DUNN ROAD ASSOCIATES
266 W MILLBROOK RD STE A
RALEIGH NC 27609-4685

1729223330
MORROW, JACQUELINE
1500 PERRYCLEAR CT
RALEIGH NC 27614-7782

1729224341
SELF, JONATHAN A.
1504 PERRYCLEAR CT
RALEIGH NC 27614-7782

1729224466
WEEKS, NICHOLAS CHAD WEEKS,
DANIELLE MILLER
1508 PERRYCLEAR CT
RALEIGH NC 27614-7782

1729226309
BUBAR, MURRY J LAING, JAMES A JR
1508 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729227325
STEEN, ANNA
1512 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729228335
CHRISTOPHERSON, TOBY MICHAEL
CHRISTOPHERSON, CATHA...
1516 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729229358
OMAR, IMAD
1520 HIGH HOLLY LN
RALEIGH NC 27614-8742

1729320246
WHITE, KENNETH WHITE, CINDY
1609 OLDE CHIMNEY CT
RALEIGH NC 27614-8741

1729321139
WILLIAMS, DERRICK A RAVENELL, CEALIE
M
1605 OLDE CHIMNEY CT
RALEIGH NC 27614-8741